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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,390	07/05/2001	Dale Francis Obeshaw	H-199376	3506

7590 08/25/2004

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EXAMINER

MIGGINS, MICHAEL C

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,390

Applicant(s)

OBESHAW, DALE FRANCIS

Examiner

Michael C. Miggins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 15-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/22/2004 has been entered.

Election/Restrictions

2. Claims 15-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/4/2003.

WITHDRAWN REJECTIONS

3. The 35 USC 112 2nd paragraph rejection of claims 10, 12 and 14 set forth in the final rejection of 9/3/2003, page 3, paragraphs 5-8 has been withdrawn.

REJECTIONS REPEATED

4. The obviousness-type double patenting rejections set forth in the final rejection of 9/3/2003, pages 4-8, paragraphs 9-11 are repeated for the reasons of record. The 35

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USC 102(b) rejections and 35 USC 103(a) rejections set forth in the final rejection of 9/3/2003, pages 8-11, paragraphs 12-15 are repeated for the reasons of record.

Applicant has added the new limitations "wrapped circumferentially" and "wherein the composite fibers of the overwrap are oriented circumferentially around the polygonal outer surface" to claims 11, 13 and 33. However, these limitations are taught by Erwin et al. (since additional wrappings, an overwrap, is added to areas of high stress at 45 degrees, column 3, lines 26-38).

NEW REJECTIONS

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 10-11, 13 and 31-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 10-11, 13 and 31-33 recite the limitation "wherein a portion of an outer surface of the structural member has a polygonal shape" which was not disclosed in the original disclosure and thus represents new matter. A careful review of the original disclosure reveals that applicant does not have support for the limitation "wherein a

portion of an outer surface of the structural member has a polygonal shape” in the original disclosure and therefore the limitation is new matter.

Response to Arguments

7. Applicant's arguments filed 7/22/2004 have been fully considered but they are not persuasive.

Applicant has argued that the office has not considered the limitation that the composite overwrap reduces secondary loading. While it is believed that such a limitation is an intended use, such a limitation is inherent or necessarily present in the invention of Erwin since Erwin discloses applicant's overwrap on selected portions of the outer surface (column 3, lines 26-38 and column 4, lines 3-28).

Applicant has argued that Erwin does not teach a composite overwrap. However, Erwin specifically teaches that additional windings may be added during winding for reinforcement in zones of high stress (column 3, lines 26-38). Such a disclosure constitutes an overwrap.

Applicant has argued that Erwin does not teach an overwrap collar. However, Erwin specifically teaches that additional windings may be added during winding for reinforcement in zones of high stress (column 3, lines 26-38). Such a disclosure constitutes an overwrap collar since the additional windings are only on zones of high stress.

Applicant has argued that Erwin does not teach a composite overwrap with circumferentially oriented fibers. However, Erwin specifically teaches that additional

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windings may be added during winding for reinforcement in zones of high stress (column 3, lines 26-38) wherein the winding strips are at a 45 degree angle. Such a disclosure constitutes an overwrap collar with circumferentially oriented fibers.

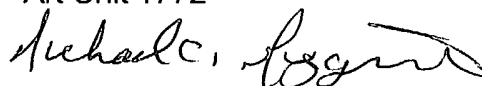
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is (571) 272-1494. The examiner can normally be reached on Monday-Friday; 1:30-10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins
Examiner
Art Unit 1772



MCM
August 23, 2004